



Acquisition Mission—Bavarian Review

Vol. 1, No. 12

December 2006

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FROM THE CHIEF.....

Welcome to the December Issue of the AMBR. This issue completes the first Volume, and first year, of our Newsletters. We hope you have found them to be informative, light reading, and helpful.

This year has seen so many changes and challenges for all of us, yet somehow it has also been a success-filled year. It has been our privilege, and pleasure, to work with you, and we look forward to seeing you in the new year.

Happiest of Holidays, from all of us at RCO Bavaria. And may you have a Happy, Healthy, Safe, and Prosperous 2007...

Gunstone

DECEMBER EVENTS AT RCO-BV

Training and Events:

COR Training: 04-07 DEC
 SAEDA Training: 12 DEC
 Ethics Training: 12 DEC & 15 DEC
 GPC Training: 13 DEC
RCO Holiday Party: 14 DEC
 All-Hands Meeting: 18 DEC
 Aquiline Training: 19 DEC

Command Staff Absences:

Chief: 01-08DEC
 MAJ Cundy: 04-14 DEC
 All: 25 DEC
 Military: 26 & 29 DEC



RCO Bavaria



WE'RE ON THE GARRISON SERVER!

We're on the Q Drive of the Garrison Server.

BUT! You can also find us at the following link:

\\graf0308gfns111\group\
 Tenant_Units\RCO\Public\
 Newsletter

RCO Bavaria celebrates
 92 ICE Comment Cards
 and a 100%
 Satisfaction Rating
 this year!

Government Purchase Card (GPC) Corner

THIRD-PARTY (PAYPAL) PAYMENTS NOT ALLOWED

It is the Army's policy that use of the GPC through a third-party (e.g. PAYPAL) is not allowed under any circumstances. Although this may limit your access to a particular merchant, the risks associated with the use of a third-party merchant far outweigh any benefits to be gained; it masks what is bought with the card, thereby circumventing MCC blocking, and hinders oversight and data-mining capabilities.

PBO COORDINATION REQUIRED FOR SUPPLY PURCHASES

Remember to coordinate all supply GPC purchase requests with your PBO prior to purchasing supplies. The purpose is to document the Government's efforts to screen existing systems for availability of the required items from on-hand inventories (such as excess items from other military services or federal agencies, and directing acquisitions toward mandatory supply sources).



ICE...

ICE, the Interactive Customer Evaluation system is a web-based tool that collects feedback on services provided by various organizations throughout the Department of Defense. The ICE System allows customers to submit on-line comment cards to rate the services rendered by Service Providers encountered at military installations and related facilities around the world. The System is designed to

improve customer service by allowing managers to monitor the satisfaction levels of services provided through reports and customer comments.

We encourage you to use ICE. You can locate our link by accessing ICE (<http://ice.disa.mil>), and following the links from Army, Europe, and USACCE to RCO Bavaria.

CHANGE IN MICRO-PURCHASE THRESHOLD

While the Micro-Purchase Threshold has increased from \$2,500 to \$3,000, we have not yet received implementing guidance regarding any changes in your local purchase authorities. Until we do, the individual purchase limits as set forth in your Appointment Letter(s) remain in effect. We promise to keep you updated on this.



For Contracting Professionals...

COR RESIDENT COURSE. This is a 4-day (32 CLPs) course that covers both Services and Construction. To get credit for the course, students must take and pass a single exam at the end of the course. For course information in the following areas, please contact the folks indicated.

BAVARIA:

Georg.Hoesl@us.army.mil (DSN 475-8720)

BENELUX:

Joe.Vitale@us.army.mil (DSN 368-9628)

FRANCONIA (& BAMBERG)

Kirc.Tavarez@us.army.mil (DSN 351-xxxx)

ITALY:

Pamela.Runyon@us.army.mil (DSN 634-3926)

HEIDELBERG, MANNHEIM, STUTTGART & GARMISCH

Michaela.Martin@us.army.mil (DSN 375-7579)

WIESBADEN (& HANAU & BREMERHAVEN):

Ophelia.Mccarroll@us.army.mil (DSN 336-xxxx)

21st TSC SOCO (KTOWN):

Terrence.Kenny@hq.21tsc.army.mil (DSN 484-7251)

ALL OTHER LOCATIONS:

USACCE_Training_POC@hq.usacce.army.mil (375-8639 or 3236)

FY07 RESIDENT COURSE SCHEDULE

DATES

04-07 DEC

11-14 DEC

08-11 JAN

15-18 JAN

22-25 JAN

05-08 FEB

14-17 FEB

05-08 MAR

19-22 MAR

02-05 APR

09-12 APR

23-26 APR

21-24 MAY

18-21 JUN

23-26 JUL

AUG/SEP

LOCATIONS

BAVARIA

HBG

KTOWN

BAHRAIN

HBG

BENELUX

KOSOVO

HBG

BAMBERG

ITALY (in Livorno)

ITALY (in Vicenza)

HBG

HBG

HBG

HBG

TBD

The Course Material is located at <http://www.usacce.army.mil>.

For updates on this schedule, please go to: http://www.usacce.army.mil/COR_Training/cor%20training%20schedule.doc.

COR BASIC TRAINING IS REQUIRED EVERY FIVE YEARS, with refresher training required every two. Refresher training may be taken through DAU's CLC106—COR with a Mission Focus, <https://www.atrrs.army.mil/channels/aitas>.



**CMR WEBSITE HAS
CHANGED. YOUR INPUT
IS REQUIRED FOR ALL OF
YOUR SERVICES
CONTRACTS!!! SEE
PAGE 5.**



FROM THE FEDERAL REGISTER

FINAL RULES

DFARS Case 2005-D017. Trade Agreements Thresholds and Morocco Free Trade Agreement.

Revises and finalizes the interim rule to update policy pertaining to trade agreements. The rule incorporates increased thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements; implements a new Free Trade Agreement with Morocco; and amends the list of end products subject to trade agreements. The final rule contains additional changes to clarify that the term "designated country end products" includes Caribbean Basin and Free Trade Agreement country end products. Affected subparts/sections: 252.212; 252.225

PGI Case 0000-P015/0000-P064. Foreign Acquisition. Amends PGI Part 225 to update reference information and to add background documents. Affected subparts/sections: PGI 225.8; PGI 225.74

PGI Case 000-P063. Contract Administration and Audit Services. Updates and clarifies PGI text relating to technical representation at contractor facilities and ACO surveillance functions. Affected subparts/sections: PGI 242.74; PGI 244.3

PROPOSED & INTERIM RULES

Comment By 26 Dec 06

DFARS 2004-D017, Combating Trafficking in Persons. DoD has issued an interim rule amending the DFARS to implement DoD policy prohibiting activities on the part of DoD contractors and contractor employees that support or promote trafficking in persons. The rule contains a clause for use in contracts performed outside the United States, 252.222-7006, Combating Trafficking in Persons.. DFARS Subparts 212, 222, and 252, and PGI 222.17 are affected.

Comment by 08 Jan 2007

Receiving Reports for Shipments (DFARS Case 2006-D024) Proposes amendments to clarify that copies of material inspection and receiving reports must be distributed with contract shipments, including those reports produced using the Wide Area Work Flow-Receipt and Acceptance electronic system.

To Comment:

Federal eRulemaking Portal: <http://www.regulations.gov> (but go through your Chain of Command if you decide you want to comment).

CONTRACT MODIFICATIONS AND THE BONA FIDE NEED RULE

The RCO recently answered a question regarding proper funding of contract modifications. Because there is a potential for fiscal law violations, we want to alert you to this issue.

Contract performance often extends over several fiscal years, and modifications often occur. If a modification results in a contract price increase after the original funds' period of availability has expired, the "bona fide" or genuine needs rule impacts type of funding to be used. This statutory rule establishes the principle that Federal appropriated funds are available for obligation only in the time period (generally one year) in which they are appropriated. Under this rule, when a modification does not result in a new requirement or liability, but instead only modifies the government's preexisting liability, then such a price adjustment will likely be a bona fide need of the same year in which funds were obligated for the original

contract; i.e., the requiring activity will need funds from the FY in which the contract was awarded.

If a contract modification adds capability, expands performance, or increases quantities in response to new or amended requirements, then the original funds are probably not appropriate; the modification is likely a new obligation that is chargeable to funds current at the time the modification is made.

The type of funds to use is very fact-dependent, and sometimes a close call. A good starting point in analyzing the question is the language in bold text above: does the modification add capability, expand performance or increase quantities? If so, it is likely that current funds will be required. If you encounter this issue, please call and we can discuss and determine appropriate funding.

For Contractors...

SUBMITTING PROPOSALS

After many hours of preparing your proposal, don't let small errors cause you to be an unsuccessful Offeror.

- Pay attention to Due Dates, Times, and special delivery requirements;
- Review the solicitation Web page on a DAILY basis. Amendments may have been posted that may affect your bid or proposal;
- Avoid mathematical errors and inconsistencies in your proposal/bid. Use rounding formulas in all calculations, and ensure someone other-than the price proposal preparer prints, reviews, and re-checks the proposal on a calculator.
- For hand-delivered offers, prepare a delivery receipt and obtain the signature, date and time of delivery from the Government party receiving your proposal;
- For e-mail submissions, use the "Read Receipt" notification in your email package;
- For on-line submissions, don't wait to the last minute to submit your proposal/bid. Websites can get tied up, and posting can take longer than anticipated. After submission, print a copy of the Website delivery notification receipt.

Questions? Call our Business Division, at 09641-83-8720. Good Luck!



YOUR PAST PERFORMANCE IS USED IN DETERMINING AWARD WINNERS

FAR 15.304 requires many negotiated procurements to include past performance as an evaluation factor or sub-factor. As a result, it is imperative that you have a strong strategy for collecting and disseminating the most favorable past performance data in every procurement.

If the RFP give you the opportunity to provide past performance information, or if a questionnaire is required, it's a good idea to work with your customers in advance to identify who will give you the most favorable ratings. HOWEVER! Even if you are given the opportunity to provide Past Performance information, the Government may use data that has been submitted into the Past Performance Information Management System (PPIMS), which can be found at: <http://www.ppims.army.mil> Questions? Call Mr. Georg Hoesl, at 09641-83-8720.

If you're having trouble with the CMR input, contact Your Contracting Office or Requiring Activity for assistance.



CMR WEBSITE HAS CHANGED

If you have a services contract, you MUST do CMR Data input. The Contractor Manpower Reporting Application (CMRA) website can be found at:

<https://cmra.army.mil>

This website allows direct entry of data into the database, which should make fulfilling the CMR requirement much easier. Unfortunately, you will have to re-register at this new website, even if you registered at the original website. The registration process is explained in the user's manual at the website. NOTE: Once you register, you will not get a confirming email from the system that you are registered. We at the RCO have been allowed in the next business day after registering. Remember your log-in and password.

IMPORTANT!! Even if you missed the October 31 deadline for input of CMR data, DO THE INPUT NOW. Questions? Call Georg Hoesl, at 09641-83-8720, or Major Todd Cundy, at 09641-83-8726.

For News Junkies...

THREE WAYS TO BUY SMARTER

Requirements for the length of an ear of corn, the fiber makeup of towels, the minimum thickness of garbage bags - such are the minute details agencies write into some of their contracts for private-sector services.

The government has tried to eliminate this type of micromanagement in its contracting for nearly two decades. But a congressionally appointed panel reports that contracting officers find the habit hard to break.

The Acquisition Advisory Panel, which wrapped up 18 months of formal deliberations in August, is putting finishing touches on a report with more than 80 recommendations on how the government can put these and other archaic procurement practices to rest. The panel's aim, laid out in the 2003 Services Acquisition Reform Act (SARA), is to achieve an efficient, competitive and businesslike environment at a time when already overworked contracting staffs are awarding more and more work to the private sector. FedTimes This Week, 06 Nov 06.

JUSTICE DEPARTMENT COLLECTS RECORD AMOUNT IN FALSE CLAIMS CASES

The Justice Department collected a record \$3.1 billion from companies in FY06. The previous record was \$2.2B in FY2003.

Whistleblower lawsuits accounted for \$1.3 billion of the recoveries last year, with the whistleblowers themselves collecting a total of \$190 million for their efforts.

The second largest settlement in 2006 was a defense procurement fraud settlement with Boeing Co. for \$565 million, which stemmed from two cases. The first was the Darleen Druyun case, where the company allegedly offered Druyun a job after her retirement from the Air Force while she was handling the company's procurements, a violation of procurement law. The second case involved allegations Boeing illegally obtained competitor Lockheed Martin's proprietary and competition-sensitive information to win defense contracts. Federal Times, 22 Nov 2006.

DoD SERVICES LACK PLANNING AND OVERSIGHT

The Defense Department needs to plan and keep better oversight over its services procurements, the Government Accountability Office has found. At a time where spending on services acquisitions "exceeds the value of major weapons systems," Defense still lacks the necessary information to assess risk, leverage buying power, define good outcomes or track trends.

The DoD also failed to establish goals for its services acquisitions for the next five years. Instead of planning to obtain what it needs, "acquisition of services tends to happen to DoD," the report said. What's more, the department fails to assess the performance of those services it purchases. "DoD is not in a position to determine whether investments in services are achieving their desired outcomes," the report said.

In a letter accompanying the report, Shay Assad, director of DoD procurement policy, said he concurred with GAO's recommendations that his office communicate goals for services acquisitions, identify high-risk management areas and ensure expenditures meet department goals. Assad said his office is assessing how to improve acquisition training and management and will release a report in 2007. Federal Times, 28 Nov 2006.

EXCESSIVE OVERSIGHT IMPEDES WORK

Acquisition officers feel their work environment is "tougher and more unforgiving than at any other time in recent history," a survey by the Professional Services Council has found. "Excessive second-guessing" by auditors and Congress members with little procurement experience has lowered staff morale and hindered recruitment to the withering acquisition ranks, the survey found. The report released Nov. 1, "Troubling Trends in Federal Procurement," is a survey of the federal acquisition work force conducted every two years.

With procurement now making up a third of the federal government's discretionary budget, it has become part of the political agenda with Congress holding more than 100 hearings in the last two years. Federal Times, Nov 28, 2006